



## **Silencing Justice: The Persecution of Women Human Rights Defenders in Guatemala's Courts**

*Guatemala's judicial branch is completely co-opted by the Public Ministry, controlled by Attorney General Consuelo Porras and her corrupt network of allies. As human right defenders and prosecutors have continuously fought for the rights of marginalized communities, the Public Ministry has responded through the persecution of journalists, activists, prosecutors and university students. Most notably, there has been an intense campaign of criminalization against women who have stood up for the protection of basic human rights and have worked to root out corruption. This article seeks to discuss and review several important cases of criminalized justice operators, including Virginia Laparra, Eva Siomara Sosa, Aliss Morán, Paola Escobar, and Leily Santizo.*

### **a) CICIG's Fall and the Persecution of Women in Justice**

In order to fully understand the state of Guatemala's justice system, it is important to review the rise and fall of the International Commission Against Impunity in Guatemala (CICIG). In 2007, an independent investigative body was established through an agreement between the United Nations and the Guatemalan government<sup>1</sup>. Thanks to lobbying efforts from civil society groups urging the government and the international community to establish an initiative that could independently investigate deeply embedded corruption networks. The CICIG worked alongside Guatemala's Public Prosecutor's Office, specifically the Special Prosecutor's

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<sup>1</sup> "Fact Sheet: The CICIG's Legacy in Fighting Corruption in Guatemala," WOLA, August 27, 2019, <https://www.wola.org/analysis/cicigs-legacy-fighting-corruption-guatemala/>.



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Office Against Impunity (FECI), to investigate and dismantle various corruption networks. The purpose of the CICIG was not to outsource Guatemala's justice system, but to offer international expertise that could support the Public Prosecutor's Office and build up the capabilities of judicial institutions.<sup>2</sup> It achieved this by establishing new investigative and legal techniques, creating specialized high-impact courts, and introducing new methodologies for investigating political-economic networks. During its 12 years of cooperation, CICIG investigations led to the prosecution of high-ranking officials, presidents, former presidents, and members of the political and economic elite. In addition to renovating Guatemala's justice system with institutional reforms, CICIG's work also led to an immense wave of social mobilization which brought long-divided sectors of society together.

However, the country's success in combating impunity provoked unfavorable reactions from political and business sectors who found themselves negatively affected. Although he initially promised to extend the CICIG's mandate, President Jimmy Morales found himself in a tight position, facing allegations of illicit campaign financing. These accusations, along with corruption probes into his powerful business allies, led Morales to end CICIG's mandate. CICIG's operations officially ended on September 3rd, 2019.<sup>3</sup> With a new attorney general, Consuelo Porras, in office, the justice system would soon take a massive step backwards. What followed was an intense campaign of criminalization against former anti-corruption agents, aimed at intimidating and weakening those who fought against impunity. This campaign was carried out primarily by filing unfounded criminal lawsuits against officials, prosecutors, judges, human rights defenders, and journalists who had collaborated with CICIG.

There has been a particular pattern of criminalization against female justice operators. At least ten former female prosecutors have been arbitrarily detained, including Virginia Laparra, Eva Siomara Sosa, Aliss Morán, and Paola Escobar.<sup>4</sup> Two former CICIG officials, Leily Santizo and Claudia González, have also been detained.

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<sup>2</sup> Ibid

<sup>3</sup> "Guatemala: Todo El Sistema En Contra: Criminalización de Mujeres Operadoras de Justicia y Defensoras de Derechos Humanos En Guatemala," Amnistía Internacional, May 23, 2024, <https://www.amnesty.org/es/documents/amr34/7912/2024/es/>.

<sup>4</sup> IACHR Annual Report 2022. Chapter IV.B Guatemala. Paragraphs 50 to 68.



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## **b) Virginia Laparra**

One of the cases that has caused the greatest outrage at the national and international level is that of Virginia Laparra.<sup>5</sup> Laparra was head prosecutor of the FECCI in Quetzaltenango and who spent 30 months in pretrial detention in conditions that constitute cruel, inhuman, or degrading treatment.<sup>6</sup> Her arrest on February 23rd, 2022 came as a complete surprise; the arrest related to a criminal complaint filed against her in 2018, and in the intervening years she had regularly appeared in court to defend herself against the charges. The complaint was made by Judge Lester Castellanos of the High-Risk Court in Quetzaltenango, in apparent retaliation for Laparra's having filed an administrative complaint against Castellanos. She accused him of having shared confidential information on a case with lawyer Omar Barrios. The complaint led to Judge Castellanos' suspension for five days, without pay.<sup>7</sup> This prompted Castellanos to file a criminal complaint in Guatemala City's Seventh Criminal Court against Virginia Laparra for abuse of authority, arguing that she was not authorized by her superiors to file the administrative complaint. In February 2022, judge Sergio Mena ordered the arrest of Virginia Laparra.<sup>8</sup>

A series of irregularities followed her arrest. Instead of holding an arraignment within 24 hours of her arrest, as required by law, the arraignment was suspended on four separate occasions, meaning she was held in detention without explanation. In addition, she was denied the right to a public trial. Her trial hearings were held behind closed doors, with access to the media and human rights organizations restricted. The conditions of her detention resembled those of a maximum-security inmate, as if she were a high-risk prisoner. In the Mariscal Zavala

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<sup>5</sup>"Guatemala: Todo El Sistema En Contra: Criminalización de Mujeres Operadoras de Justicia y Defensoras de Derechos Humanos En Guatemala," Amnistía Internacional, May 23, 2024, <https://www.amnesty.org/es/documents/amr34/7912/2024/es/>.

<sup>6</sup>Ibid

<sup>7</sup>Ibid

<sup>8</sup>Ibid



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penitentiary, she was placed in a solitary confinement cell with limited access to sunlight. She could only receive visitors in her cell.<sup>9</sup> During her time in the Matamoros military jail, her access to visits and medical attention was severely limited. On December 16th, 2022, she was sentenced to four years in prison for abuse of authority. Amnesty International declared Virginia Laparra a prisoner of conscience: her case was one of obvious political persecution, and her human rights had been violated in the criminal proceedings and in the imprisonment. In 2023, the United Nations Working Group on Arbitrary Detention also condemned her detention and called on the state of Guatemala to release her.<sup>10</sup> Dozens of national and international human rights organizations have condemned Laparra's detention and called for her release. After serving almost half of her sentence, Laparra was released to house arrest on January 3rd, 2024, on order of the Criminal Chamber of the Supreme Court. Recently, Laparra faced a second sentence for the crime of diffusing confidential information, for which she avoids going back to prison but is suspended from practicing law for five years and from being a civil servant for ten years.

### **c) 2022 Series of Arrests**

Right before the arrest of Virginia Laparra, several prosecutors, judges and former members of the CICIG were detained in the span of only eight days, from February 10th to February 17th of 2022.<sup>11</sup> The first female prosecutor to be arrested was the former head of CICIG, Attorney Leidy Indira Santizo, on February 10, 2022. Five days later, former FECCI prosecutor Eva Siomara Sosa was arrested, despite having voluntarily appeared in court on multiple previous occasions to testify. On the 16th and 17th, Paola Escobar and Aliss Morán, two assistant prosecutors of the FECCI, were detained respectively. Their detainment stemmed from accusations of abuse of authority related to the Parallel Commissions case, a scheme set up by

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<sup>9</sup>ibid

<sup>10</sup> Opinion No. 24/2023, concerning Lilian Virginia Laparra Rivas (Guatemala) of May 18, 2023 of the Working Group on Arbitrary Detentions. Available at <https://bit.ly/3ShYpYa>. Amnesty International declared Virginia Laparra a prisoner of conscience. Guatemala: Amnesty International condemns violations of procedural guarantees of prisoner of conscience Virginia Laparra. Available at <https://bit.ly/3Mj9c0k>.

<sup>11</sup> “Guatemala: Todo El Sistema En Contra: Criminalización de Mujeres Operadoras de Justicia y Defensoras de Derechos Humanos En Guatemala,” Amnistía Internacional, May 23, 2024, <https://www.amnesty.org/es/documents/amr34/7912/2024/es/>.



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Gustavo Alejos Cambara to influence the nomination commissions in Guatemala's 2020 judicial election. The accusation against them came from an attorney who alleged to have been coerced into giving false testimony in the Parallel Commissions case.

As in the Virginia Laparra case, each of these cases suffered from multiple delays and irregularities. The first operator of justice to be prosecuted was Indira Santizo Rodas, former CICIG head prosecutor for 11 years. She was accused of alleged obstruction of justice and was arrested and tried in the same case as FECCI prosecutor Siomara Sosa. They were arrested on February 10th and 15th, respectively, and sent to the Mariscal Zavala prison. These military barracks were where former President Otto Pérez Molina had been imprisoned since 2015, as well as dozens of people who were accused in the corruption investigations carried out by the CICIG and the FECCI. When Santizo was arrested, she attributed her arrest to retribution for her work against people involved in corruption networks or accused of drug trafficking. The complaint against her was declared confidential, so to date the full details of the accusation are unknown. The women's initial hearing was suspended at least three times. Finally, on Monday, Judge Pérez, head of the Third Court, decided to indict them. In March 2022, both prosecutors were brought to trial and Judge Geisler Pérez ordered them to be placed under house arrest.<sup>12</sup>

Similarly, the preliminary hearing of Alissa Moran and Paola Escobar was not held within the 24 hour post-detention period that the law requires. Two months after their arrest, the hearing was held and the judge found that there wasn't enough evidence to prove that they committed an abuse of power. This meant that they would be released. However, the same attorney that presented the complaint against them filed a complaint against the judge who had made the ruling. The Public Prosecutor's Office, alongside the plaintiff, appealed the judge's decision to the Fourth Appeals Chamber, which decided to reverse the ruling. Both Moran and Escobar were sent back into preventive detention at Santa Teresa, a penitentiary for women in Guatemala City. In Santa Teresa, both former FECCI prosecutors were held in a sector close to cells that housed prisoners belonging to the Barrio 18 gang and former police officers—a huge

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<sup>12</sup> Regina Pérez, "Exfiscal Sosa y Abogada Santizo Son Ligadas a Proceso, Con Arresto Domiciliar," Prensa Comunitaria, March 9, 2022, <https://prensacomunitaria.org/2022/03/exfiscal-sosa-y-abogada-santizo-son-ligadas-a-proceso-con-arresto-domiciliar/>.



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risk to their safety, considering that prisoners in neighboring cells had been prosecuted in cases of corruption through investigations that were led by the FECI.

Furthermore, their imprisonment weighed heavily on their mental health as they were forced to be separated from their families. Although they presented several legal actions to prove their innocence and defend themselves in the case, their efforts faced unjustified delays, sometimes lasting months, which further prolonged their detention. For instance, in August 2023, a court of appeals determined that no argument had ever justified pretrial detention and ordered the defendants released to house arrest. This order was to be carried out by the presiding judge of the court, Julio César Vásquez Xol. However, the prosecutor in the case, Noé Nehemías Rivera, failed to attend the hearing, further prolonging the women's detention for an entire month. Finally, in September 2023, the Third Chamber of First Instance Criminal Court carried out the order of the Fourth Appeals Chamber which granted them alternative measures, including unsupervised house arrest and a ban on leaving the country. The women were prohibited to communicate with certain individuals and were obligated to sign into a biometric system every week at the Public Prosecutor's Office. Thus, after nearly four months of preventive detention, Aliss Moran and Paola Escobar were released to the comfort of their own homes, while their cases remain pending.

#### **d) Analysis**

Although Virginia Laparra managed to be released and has avoided going back to prison, her case highlights an alarming absence of impartial justice. We can celebrate the fact that Laparra is no longer illegally detained in solitary confinement, but it is essential to remember that she shouldn't have found herself in this situation in the first place. The fact that Laparra was condemned to nearly two years of solitary confinement with restricted access to her family for simply doing her job reflects an utter disregard for democratic principles and human rights. She is not only a civil servant but also a mother who was separated from her two daughters as she was leaving her office. A recurring theme that will stand out throughout this analysis is the consistent penalization of women who were simply carrying out the responsibilities of their profession.



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These responsibilities involve standing up against corruption and pursuing justice for those who have been hurt by institutionalized criminal networks. In the eyes of the current Public Prosecutor's Office, these women stand in the way of the consolidation of power by the corrupt and must be silenced and put behind bars, with complete disregard for their rights as human beings. As Virginia Laparra put it in an interview with *Ruda*, "What our work has revealed is the interest that corrupt actors have in maintaining the status quo, which has been evident through the cruel persecution that has been done against every single one of us, to a point that threatens our life, our physical integrity and our freedom." These women's experiences speak deeply to the situation of vulnerability being experienced by justice operators in Guatemala, but also highlight the cruel realities of persecution experienced particularly by women. Laparra stated, "The persecution against women has been truly cruel. I think that it is aimed at exploiting what they

see as a weakness, simply because we are women. I interpret it this way in my case for instance, as a woman and a mother of very young children, who they tried repressing in every way possible to support their corrupt and misogynistic agenda, trying to force me to say what they wanted." Virginia Laparra's story is one of many women and mothers separated from their families through targeted and systematic imprisonment and persecution. As to the criminal proceedings, Laparra characterized them this way: "They are a lie, they are a farce, they are stories that are made up, so that judges like Lester Castellanos can appear as having good morals and ethics. They will never have the morals and ethics that we do."<sup>13</sup> Laparra's release is a victory for women across Guatemala, in spite of her two-years imprisonment. Her experience exposes the deliberate perpetuation of state corruption and captured the international community's attention in a way that will resonate when female prosecutors are detained in the future.

These various arrests and prolonged detentions demonstrate how these persecutions against female operators of justice have been normalized. When analyzed side by side, each of these arrests reveal similar patterns. For instance, the defendant is generally accused of a crime they allegedly committed while carrying out the normal functions of their job. The Public Prosecutor's Office purposefully blurs the line between anti-corruption work and "abuse of

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<sup>13</sup> 1. "Virginia Laparra Habla Fuerte y Claro," YouTube, December 2, 2024, <https://youtu.be/8PnqpZ2B6CA?si=zkymdbXy3vK2L2kO>.



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authority” in order to open criminal proceedings against prosecutors or judges. It is almost as if there is a playbook containing strategies and tactics for silencing women who advocate for justice. The Public Prosecutor’s office applies this playbook whenever there is a defender of human rights that tries to confront the established networks of criminality embedded within political institutions and prominent business sectors. One of these strategies includes purposely delaying preliminary hearings to further keep the defendant in preventive detention. Even though a hearing must be held within the first 24 hours of detention, corrupt agents of the Public Prosecutor’s Office fail to attend and are able to override this procedure, despite it being inscribed in Guatemalan law. Furthermore, in each of these cases, it has taken excessive time to grant house arrest to the defendants. In most cases, after several suspended and postponed hearings, a judge finally upholds an appeals court ruling to allow house arrest after verifying that there is no risk of the defendant fleeing the country or obstructing the investigation. So why does it take so long for an operator of justice to be granted alternative measures such as house arrest, especially someone who has devoted their career to rooting out corruption through transparency and a commitment to the truth? Preventive detention, in theory, involves incarcerating an individual before trial on the assumption that their release would not be in the best interest of society; with the aim of preventing the accused from committing further offences or maintaining public order. Now we see the true aim of keeping these defenders illegally detained is for the purpose of maintaining the order of a corrupt status quo. In other words, from the perspective of Attorney General Consuelo Porras and her allies within the justice system, it is in the best interest of society that these operators of justice remain behind bars and unable to investigate deep-rooted criminal networks.

Another strategy that would fit within this playbook is the use of harsh, isolated, and alienated detention conditions. In most cases, the defendants have not even faced trial yet and must reside side by side with the same criminals they helped to prosecute. This reality gives way to a strange dichotomy where former government officials imprisoned for corruption enjoy more luxurious and spacious living accommodations than the same prosecutors who helped put them away. This dichotomy is supported by the words of Siomara Sosa, who spoke on the Tanto



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Coraje podcast.<sup>14</sup> She began by describing the living conditions of former President Otto Perez Molina, who was held in preventive detention while he awaited to face trial in La Linea case,<sup>15</sup> an investigation led by the CICIG and FECCI that uncovered a criminal network dedicated to customs fraud and tax evasion. She described looking across from her cell and seeing that he basically “had an apartment, with a gym, television, refrigerator, and an artificial garden”--king-like treatment to a man who had orchestrated an illicit customs ring, while the women anti-corruption prosecutors, who excelled in carrying out their responsibilities, were forcibly separated from their families and homes. Uplifting and spoiling a man who betrayed the trust of the Guatemalan people and used his legitimacy and position of authority to evade the law for his own financial benefit, while also vilifying and intimidating mothers who were simply fulfilling their responsibilities as impartial operators of justice, clearly reflects the misogynistic approach being taken by the Public Prosecutor’s Office.

After analyzing some of these arrests and what they mean for human rights defenders and female prosecutors, it becomes clear how impunity and misogyny now control the justice system in the absence of the CICIG. Moving forward, what should be done? This question has been answered time and time again in situations where corruption is in the national spotlight. When Otto Perez Molina was revealed to be the mastermind behind the La Linea corruption scheme, the Guatemalan people swarmed and mobilized together to demand his resignation. When Consuelo Porras attempted to delay and disrupt President Arévalo’s transition to power, the public mobilized in full support of Arévalo to validate his election and encourage a peaceful transition. Sharing these stories and spreading the word will hopefully encourage social mobilization against this repetitive cycle of legislative abuse and judicial corruption. In the long run, what would an ideal justice system look like for women in Guatemala? Virginia Laparra answered this question best, “Well, it would have to be a justice system that is independent, transparent, with equal representation, with respect for human rights, with social justice, and

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<sup>14</sup> 1. Siomara Sosa , Siomara Sosa “Lo Volvería a Hacer,” *Tanto Coraje* , November 13th, 2024, <https://open.spotify.com/episode/05MF7bPIR5K65vWFeyMyfl?si=3afedf3f38eb4bc7>.

<sup>15</sup> No Ficción, “Caso La Línea,” No Ficción, <https://no-ficcion.com/case/caso-la-linea/>.



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efficient access to justice and security. The immediate future is one of fighting, resilience, resistance, and maintaining consistency.”<sup>16</sup>

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<sup>16</sup> 1. “Virginia Laparra Habla Fuerte y Claro,” YouTube, December 2, 2024, <https://youtu.be/8PnqpZ2B6CA?si=zkymdbXy3vK2L2kQ>.



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